

LEYH ET AL.
"Multi-Mode Communications Device With
Continuous Mode ..."
Atty. Docket No. CS11235

Appl. No. 10/027,650
Confirm. No. 1167
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REMARKS

Request for Reconsideration, Informal Matters, Claims Pending

5 The second non-final Office action mailed on 11 July 2003 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Claims 1, 3-7, 10-17 and 20-27 are pending.

10 Response to Objection to Title

15 The Applicants respectfully decline to adopt the Examiner proposed new title, which is unduly narrow. Moreover, the Examiner's reference to the definition for the term "multi-mode" in the fiber optics arts is generally inapplicable in the wireless radio telecommunications arts. U.S. Patent No. 5,737,703 to Byrne entitled "Multi-Mode Radio Telephone Which Executes Handover Between Different System" is an example of a multi-mode wireless radiotelephone that operates in GSM and DECT modes of operation. Generally, in the present inventions, multi-mode refers to the operation of
20 different combinations of receiver(s) and/or transmitter(s) in a wireless communications device. The instant title references a preferred embodiment including both CDMA and TDM modes of operation, though the claimed inventions are not so limited. The term has been eliminated from at least some of the claims.

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Allowability of Claims Over Vaisanen

Summary of Examiner's Rejection

5 Claims 1, 3 & 6 stand rejected under 35 USC 102 as being
anticipated by U.S. Patent No. 6,560,443 (Vaisanen). Official Action, 11 July
2003, para. 8.

Discussion of Patentability of Claim Independent 1

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Regarding Claim 1, contrary to the Examiner's assertion, Vaisanen
fails to disclose or suggest a wireless communications handset, comprising:

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... a first antenna coupled to the first receiver;
... a second antenna coupled to the second receiver,
the first and second transmitters connectable at the same
time to the same one of either of the first and second antennas.

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Amended Claim 1 covers, among other embodiments, the case where two
transmitters are both connected simultaneously to a common antenna to
permit simultaneous transmission in all bands, as discussed for example, on
page 6, lines 9-15 of the instant Leyh patent specification. In Vaisanen, the
Bluetooth (BT) and WLAN transmitters are not coupled to the same antenna at
the same time. Vaisanen, col. 7, lines 1-22. Claim 1 and the claims that depend

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therefrom are thus patentably distinguished over Vaisanen.

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Discussion of Patentability of Claim 3

Regarding Claim 3, contrary to the Examiner's assertion, Vaisanen fails to disclose or suggest a wireless communications handset wherein "... the first and second transmitters disconnectable from the same one of the first and second antennas" in combination with the limitations of Claim 1. Claim 3 is further patentably distinguished over Vaisanen.

Discussion of Patentability of Claim 6

Regarding Claim 6, contrary to the Examiner's assertion, Vaisanen fails to disclose or suggest a wireless communications handset including a "... switch coupling the first and second transmitters and the second receiver to the same one of the first and the second antennas" in combination with the limitations of Claim 1. As noted above, Vaisanen does not couple both transmitters to the same antenna at the same time. Claim 6 is further patentably distinguished over Vaisanen.

Allowability of Claims Over Byrne

Claims 20, 24 and 26 stand rejected under 35 USC 102(e) as being unpatentable over U.S. Patent No. 5,373,703 (Byrne). Official Action, 1 July 2003, para. 9.

Discussion of Patentability of Independent Claim 20

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Regarding Claim 20, contrary to the Examiner's assertion, Byrne fails to disclose or suggest a method in a wireless communications device having first and second transceivers, comprising

5 ... transmitting a first signal with a first transmitter of the
first transceiver operating in a continuous transmission mode,
the first transmitter coupled to a first antenna;
receiving a second signal with a second receiver of the
10 second transceiver at the same time the first transmitter is
transmitting the first signal,
the second receiver coupled to a second antenna different
than the first antenna.

Byrne discloses a multi-mode communication device that uses
15 GSM cellular and DECT cordless telephone protocols, both of which employ
time division duplexing (TDD) implemented by burst mode transmission.
Neither GSM nor DECT protocol communications employ "...continuous
transmission mode ..." operation. The anticipation rejection under 35 USC
102(e) is therefore improper and must be withdrawn. The rejection under 35
20 USC 102(e) is also improper since Byrne was not issued after the filing date of
the instant application. Claim 20 and the claims that depend therefrom are
thus patentably distinguished over Byrne.

Discussion of Patentability of Independent Claim 24

25 Regarding Claim 24, contrary to the Examiner's assertion, Byrne
fails to disclose or suggest a method in a wireless communications device
having a first transceiver and a second transceiver, the method comprising

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transmitting with a first transmitter of the first transceiver;
transmitting with a second transmitter of the second
transceiver at the same time that the first transmitter is
transmitting;

receiving with one of a first receiver of the first transceiver
and a second receiver of the second transceiver at the same time
the first and second transmitters are transmitting.

Neither of the GSM cellular and DECT cordless telephone
protocol transceivers of Byrne are capable of simultaneously transmitting and
receiving. As noted, the GSM cellular and DECT cordless telephone protocols
employ time division duplexing (TDD) implemented by burst mode
transmission. The transceivers of Byrne alternately transmit and receive.
Thus the architecture of Byrne cannot "... receiv[e] with one of a first receiver
of the first transceiver and a second receiver of the second transceiver at the
same time the first and second transmitters are transmitting." Byrne Claim 24
and any claims dependent therefrom are thus patentably distinguished over
Byrne.

Discussion of Patentability of Independent Claim 26

Regarding Claim 26, contrary to the Examiner's assertion, Byrne
fails to disclose or suggest a method in a method in a wireless communications
device having a first transceiver and a second transceiver, the method
comprising

receiving with a first receiver of the first transceiver;

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receiving with a second receiver of the second transceiver at
the same time that the first receiver is receiving;

transmitting with one of a first transmitter of the first
transceiver and a second transmitter of the second transceiver at
the same time the first and second receivers are receiving.

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Neither of the GSM cellular and DECT cordless telephone
protocol transceivers of Byrne are capable of simultaneously transmitting and
receiving. As noted, the GSM cellular and DECT cordless telephone protocols
employ time division duplexing (TDD) implemented by burst mode
transmission. The transceivers of Byrne alternately transmit and receive.
Thus the architecture of Byrne cannot "... transmit[] with one of a first
transmitter of the first transceiver and a second transmitter of the second
transceiver at the same time the first and second receivers are receiving."
Claim 26 and any claims dependent therefrom are thus patentably
distinguished over Byrne.

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Allowability of Claims Over Vaisanen & Beasley

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Summary of Examiner's Rejection

Claim 4 stands rejected under 35 USC 103 as being unpatentable
over Vaisanen in view of U.S. Patent No. 6,246 ,675 (Beasley). Office Action, 11
July 2003, para. 10.

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Discussion of Patentability of Claim 4

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Regarding Claim 4, contrary to the Examiner's assertion, Vaisanen and Beasley do not suggest the wireless communication device of independent Claim 1 wherein, "... the first receiver is a CDMA receiver, the first transmitter is a CDMA transmitter, the second receiver is a TDMA receiver, [and] the second transmitter is a TDMA transmitter." Beasley does not remedy the deficiencies of Vaisanen relative to Claim 1 from which Claim 4 is dependent. Moreover, there is no suggestion to combine the CDMA cordless phone of Beasley with the multimode Bluetooth/WLAN terminal of Vaisanen. Moreover, the Examiner has not set forth any motivation for the asserted combination. The mere existence in the prior art of individual elements does not suggest the replacement modification asserted by the Examiner. Claim 4 is thus further patentably distinguished over Vaisanen and Beasley.

Allowability of Claims Over Vaisanen & Kitchener

Summary of Examiner's Rejection

Claim 5 stands rejected under 35 USC 103 as being unpatentable over Vaisanen in view of U.S. Patent No. 5,995,065 (Kitchener). Office Action, 11 July 2003, para. 11.

Discussion of Patentability of Claim 5

Regarding Claim 5, contrary to the Examiner's assertion, Vaisanen and Kitchener do not suggest the wireless communication device of independent Claim 1 wherein "... the first antenna is an internal antenna, the first transmitter coupled to the second antenna, the second antenna is an

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external antenna." Kitchener does not remedy the deficiencies of Vaisanen relative to Claim 1 from which Claim 5 is dependent. Claim 5 is thus further patentably distinguished over Vaisanen and Beasley.

5 Allowability of Claims Over Vaisanen & Byrne

Summary of Examiner's Rejection

10 Claim 7 stands rejected under 35 USC 103 as being unpatentable over Vaisanen in view of Byrne. Office Action, 11 July 2003, para. 11.

 Claim 16 stands rejected under 35 USC 103 as being unpatentable over Byrne in view of Vaisanen. Office Action, 11 July 2003, para. 15.

Discussion of Patentability of Claim 7

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 Regarding Claim 7, contrary to the Examiner's assertion, Vaisanen and Byrne do not suggest the wireless communication device of independent Claim 1 including "... a processor coupled to the first and second transceivers, a display and input/outputs coupled to the processor." Claim 7 is thus further

20 patentably distinguished over Vaisanen and Byrne.

Discussion of Patentability of Independent Claim 16

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 Regarding Claim 16, contrary to the Examiner's assertion, Vaisanen and Byrne do not suggest a method in a wireless communications device having a first transceiver, the method comprising

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receiving a first signal with a first receiver of the first
transceiver,
the first receiver coupled to a first antenna;
transmitting a second signal with a first transmitter of the
first transceiver at the same time the first receiver is receiving the
first signal,
the first transmitter coupled to a second antenna different
than the first antenna.

As noted, the GSM and DECT transceivers of Byrne are incapable
of receiving and transmitting simultaneously. Also, Byrne discloses the DECT
cordless transceiver (220/222) coupled to a first antenna (228) and the GSM
cellular transceiver (231/232) coupled to a second antenna (238). However,
Byrne does not suggest connecting the receiver of either the GSM or DECT
transceiver to one antenna while connecting the transmitter of the same
transceiver to another antenna. The Examiner's reliance on Vaisanen is
misplaced. Vaisanen does not transmit and receive simultaneously with either
of the BT or WLAN transceivers. Vaisanen specifically discloses that the
transmitter and receiver of the WLAN transceiver (21) are not connected to the
antenna at the same time. Vaisanen, col. 7, lines 55-62. Claim 16 and the
Claims that depend therefrom are thus patentably distinguished over Byrne
and Vaisanen.

Allowability of Claims Over Byrne, Beasley & Shaffer

Summary of Examiner's Rejections

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Claims 10-14 stand rejected under 35 USC 103 as being unpatentable over Byrne in view of Beasley and U.S. Patent No. 6,324,409 (Shaffer). Office Action, 11 July 2003, para. 13.

5 Claim 23 stands rejected under 35 USC 103 as being unpatentable over Byrne in view of Beasley and Shaffer. Office Action, 11 July 2003, para. 19.

Discussion of Patentability of Independent Claim 10

10 Regarding Claim 10, contrary to the Examiner's assertion, Byrne, Beasley and Shaffer do not suggest a "... method in a wireless communications device having first and second transceivers ..." comprising

15 ... receiving an uncompressed CDMA signal with a first receiver of the first transceiver;
receiving a second signal with a second receiver of the second transceiver at the same time the first receiver is receiving the uncompressed CDMA signal.

20 Byrne discloses seamless handover by simultaneously communicating using GSM and DECT transceivers during handover periods. Contrary to the Examiner's contention, there is no suggestion in the Byrne, Beasley or Shaffer to combine the CDMA cordless phone of Beasley with the multimode phone of Byrne. Nevertheless, none of the references cited disclose
25 or suggest "... receiving a second signal with a second receiver of the second transceiver at the same time the first receiver is receiving the uncompressed CDMA signal."

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The Examiner's reliance on Shaffer for teaching the transmission of uncompressed voice data is misplaced. The transmission of uncompressed voice data in Shaffer is not that same as transmitting uncompressed CDMA. The voice compression algorithms of Schaffer remove redundant coding to reduce the amount of data transmitted. In CDMA compression, the amount of data remains unchanged. CDMA compression (transmission of same amount of data over a shorter time interval) permits the creation of idle periods in the radio frames. See 3GPP TS 25.212, page 53 & 3GPP TS 25.302, page 26, both cited on the IDS under 37 CFR 1.56 submitted herewith. Thus the use of uncompressed video data in Shaffer is not relevant to transmitting uncompressed CDMA. Claim 10 and the claims that depend therefrom are thus patentably distinguished over Byrne, Beasley and Shaffer.

Discussion of Patentability of Claim 11

Regarding Claim 11, contrary to the Examiner's assertion, Byrne, Beasley and Shaffer do not suggest "... receiving the second signal with the second receiver operating in a non-continuous reception mode at the same time the first receiver is receiving the uncompressed CDMA signal" in combination with the limitations of Claim 10. Byrne teaches simultaneous communication using GSM and DECT transceivers that do not receive in continuous reception mode. The mere existence in the prior art of the CDMA cordless phone of Beasley does not suggest replacing the DECT transceiver of Byrne with the CDMA cordless transceiver of Beasley. In Shaffer, video compression is for reducing data size. Compressed CDMA is for providing idle period in radio frames. Thus the use of uncompressed video data in

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Shaffer is not relevant to transmitting uncompressed CDMA. Claim 11 and the claims that depend therefrom are thus further patentable distinguished over the art.

Discussion of Patentability of Claim 12

5 Regarding Claim 12, contrary to the Examiner's assertion, Byrne,
Beasley and Shaffer do not suggest "... receiving a downlink signal with the
GSM receiver at the same time the CDMA receiver is receiving the
uncompressed CDMA signal" in combination with the limitations of Claim 10.
Byrne discloses GSM and DECT transceivers. There is no suggestion to
combine the CDMA transceiver of Beasley with the multimode device of Byrne.
10 And there is no suggestion to simultaneously receive a GSM downlink and an
uncompressed CDMA signal. The mere existence in the prior art of the CDMA
cordless phone of Beasley does not suggest replacing the DECT transceiver of
Byrne with the CDMA cordless transceiver of Beasley. In Shaffer, video
compression is for reducing data size. Compressed CDMA is for providing
idle period in radio frames. Thus the use of uncompressed video data in
15 Shaffer is not relevant to transmitting uncompressed CDMA. Claim 12 is thus
further patentably distinguished over the art.

Discussion of Patentability of Claim 13

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 Regarding Claim 13, contrary to the Examiner's assertion, Byrne,
Beasley and Shaffer do not suggest "... the first receiver is CDMA receiver, the
second receiver is a TDMA receiver, receiving a downlink signal with the

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TDMA receiver at the same time the CDMA receiver is receiving the uncompressed CDMA signal" in combination with the limitations of Claim 10. Byrne discloses GSM and DECT transceivers. There is no suggestion to combine the CDMA transceiver of Beasley with the multimode device if Byrne and there is no suggestion to receive TDMA and uncompressed CDMA at the same time. The mere existence in the prior art of the CDMA cordless phone of Beasley does not suggest replacing the DECT transceiver of Byrne with the CDMA cordless transceiver of Beasley. Compressed CDMA is for providing idle period in radio frames. Thus the use of uncompressed video data in Shaffer is not relevant to transmitting uncompressed CDMA. Claim 13 is thus further patentably distinguished over the art.

Discussion of Patentability of Claim 14

Regarding Claim 14, contrary to the Examiner's assertion, Byrne, Beasley and Shaffer do not suggest "... receiving a second uncompressed downlink signal with the second receiver operating in a continuous reception mode at the same time the first receiver is receiving the uncompressed CDMA signal" in combination with the limitations of Claim 10. Byrne discloses GSM and DECT transceivers. There is no suggestion to combine the CDMA transceiver of Beasley with the multimode device if Byrne. The mere existence in the prior art of the CDMA cordless phone of Beasley does not suggest replacing the DECT transceiver of Byrne with the CDMA cordless transceiver of Beasley. Shaffer uses video compression to reduce data size. Compressed CDMA is for providing idle period in radio frames. Thus the use of uncompressed video data in Shaffer is not relevant to transmitting

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uncompressed CDMA. Claim 14 is thus further patentably distinguished over the art.

Discussion of Patentability of Claim 23

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Regarding Claim 23, contrary to the Examiner's assertion, Byrne, Beasley and Shaffer do not suggest the method of Claim 20 wherein "... the first transmitter is CDMA transmitter, the second receiver is a TDMA receiver, transmitting an uncompressed uplink signal with the CDMA transmitter; receiving the second signal with the TDMA receiver at the same time the CDMA transmitter is transmitting the uncompressed uplink signal." There is no suggestion to combine the CDMA transceiver of Beasley with the multimode device of Byrne. The mere existence in the prior art of the CDMA cordless phone of Beasley does not suggest replacing the DECT transceiver of Byrne with the CDMA cordless transceiver of Beasley. Also, Shaffer uses video compression to reduce data size. Compressed CDMA is for providing idle period in radio frames. Thus the use of uncompressed video data in Shaffer is not relevant to transmitting uncompressed CDMA. Claim 23 is thus further patentably distinguished over the art.

Allowability of Claims Over Byrne, Beasley, Shaffer & Vaisenan

Summary of Examiner's Rejections

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Claim 15 stands rejected under 35 USC 103 as being unpatentable over Byrne in view of Beasley, Shaffer and Vaisanen. Office Action, 11 July 2003, para. 14.

5 Claim 17 stands rejected under 35 USC 103 as being unpatentable over Byrne in view of Vaisanen, Beasley and Shaffer. Office Action, 11 July 2003, para. 16.

Discussion of Patentability of Claim 15

10 Regarding Claim 15, contrary to the Examiner's assertion, Byrne, Beasley, Shaffer and Vaisanen do not suggest the method of Claim 10 wherein "... the first receiver coupled to a first antenna, the second receiver coupled to a second antenna different than the first antenna, the first transceiver includes a first transmitter, the second transceiver includes a second transmitter,
15 connecting the first transmitter and the second transmitter to the same one of the first and second antennas at the same time." As noted above, Vaisanen specifically excludes connect the Bluetooth transmitter and the WLAN transmitter to the same antenna at the same time. Also, The use of uncompressed video data in Shaffer is not relevant to transmitting
20 uncompressed CDMA for the reasons discussed above. Claim 15 is thus further patentably distinguished over the art.

Discussion of Patentability of Claim 17

25 Regarding Claim 17, contrary to the Examiner's assertion, Byrne, Vaisenan, Beasley and Shaffer do not suggest "... receiving the first signal with

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the first receiver includes receiving an uncompressed CDMA downlink signal"
in combination with the limitations of Claim 16. As noted above, Shaffer's
teaching of uncompressed voice data suggests nothing about uncompressed
CDMA transmissions. The voice data of Shaffer is compressed to reduce data,
5 whereas the CDMA is compressed to provide idle time during a radio frame.
Claim 17 is thus further patentably distinguished over the prior art.

Allowability of Claims Over Byrne & Beasley

10 Summary of Examiner's Rejection

Claim 21 stands rejected under 35 USC 103 as being unpatentable
over Byrne in view of Beasley. Office Action, 11 July 2003, para. 17.

15 Discussion of Patentability of Claim 21

Regarding Claim 21, contrary to the Examiner's assertion, Byrne
and Beasley do not suggest the method of Claim 20 wherein "... the first
transmitter is CDMA transmitter, the second receiver is a TDMA receiver,
20 transmitting an uplink signal with the CDMA transmitter; receiving the second
signal with the TDMA receiver at the same time the CDMA transmitter is
transmitting the uplink signal" in combination with the limitations of Claim 20.

Neither Byrne nor Beasley disclose a multi-mode communication
device that uses GSM cellular and DECT cordless telephone protocols, both of
25 which employ time division duplexing (TDD) implemented by burst mode
transmission. The GSM nor DECT transceivers of Byrne do not employ "...

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continuous transmission mode ..." operation. The anticipation rejection under
35 USC 102(e) is therefore improper and must be withdrawn. Also, there is no
suggestion in the prior art to combine the CDMA cordless phone of Beasley
with the multimode device of Byrne. The Examiner has not set forth any
5 motivation for the asserted combination. The mere existence in the prior art of
individual elements does not suggest a combination. Claim 21 is thus further
patentably distinguished over Byrne and Beasley.

Allowability of Claims Over Byrne & Shaffer

Summary of Examiner's Rejection

Claim 22 stands rejected under 35 USC 103 as being unpatentable
over Byrne in view of Shaffer. Office Action, 11 July 2003, para. 18.

Discussion of Patentability of Claim 22

Regarding Claim 22, contrary to the Examiner's assertion, Byrne,
and Shaffer do not suggest "... transmitting an uncompressed uplink signal
with a first transmitter operating in a continuous transmit mode; receiving the
20 second signal with the second receiver at the same time the first transmitter is
transmitting the uncompressed uplink first signal" in combination with the
limitations of Claim 20. The use of uncompressed video data in Shaffer is not
relevant to transmitting uncompressed CDMA. Shaffer uses compressed video
25 to reduce data size. Compressed CDMA is for providing idle period in radio

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frames. Claim 22 is thus further patentably distinguished over Byrne and Shaffer.

Discussion of Patentability of Claim 25

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Regarding Claim 25, contrary to the Examiner's assertion, Byrne, and Shaffer do not suggest "... receiving includes receiving an uncompressed continuous signal" in combination with the limitations of Claim 24, the allowability of which is discussed above. The use of uncompressed video data
10 in Shaffer is not relevant to transmitting uncompressed CDMA. Shaffer uses compressed video to reduce data size. Compressed CDMA is for providing idle period in radio frames. Claim 25 is thus further patentably distinguished over Byrne and Shaffer.

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Discussion of Patentability of Claim 27

Regarding Claim 27, contrary to the Examiner's assertion, Byrne, and Shaffer do not suggest "... receiving includes receiving an uncompressed continuous signal" in combination with the limitations of Claim 26. The use of uncompressed video data in Shaffer is not relevant to transmitting uncompressed CDMA. Shaffer uses video compression to reduce data size. Compressed CDMA is for providing idle period in radio frames. Claim 27 is thus further patentably distinguished over Byrne and Shaffer.

In view of the amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any

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rejections and objections and allow this application to issue as a United States
Patent without further delay.

The Examiner is encouraged to contact the undersigned upon
carefully reviewing the foregoing amendment and discussion, prior to
5 preparing an official action in response thereto.

Respectfully submitted,



ROLAND K. BOWLER II 5 Nov. 2003
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